



IEW 37 XI

Docket No.: KCC-16,044

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James Martin KAUN
Kambiz Bayat MAKOU
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John OLSZEWSKI

37 XI

Group: 3761

Serial No.: ~~110/032-805~~

Filing Date: 28 December 2001

Title: IMPROVED MULTIFUNCTIONAL
CONTAINMENT SHEET AND SYSTEM
FOR ABSORBENT ARTICLES

RECEIVED

JUN 12 2003

TECHNOLOGY CENTER R3700

SECOND INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with Rule 1.56 and MPEP Section 2001.06(a), the references listed on Form PTO-1449, were cited in the Invitation To Pay Additional Fees for the corresponding International Application and are hereby brought to the

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

06 June 2003

06 June 2003
Date

Signature

Serial No.: 10/032,805


Docket No.: KCC-16,044

attention of the Examiner as being possibly material to examination of the subject patent application. An English language version of the Invitation To Pay Additional Fees, Form PCT/ISA/206, and the Annex to Form PCT/ISA/206 are also enclosed.

This Second Information Disclosure Statement is filed before the first Office Action and the undersigned states that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement, as required by 37 C.F.R. § 1.97(e).

Form PTO-1449 (1 page) is enclosed with a copy of each and every reference cited on Form PTO-1449.

Respectfully submitted,



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FORM PTO-1449
(MODIFIED)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

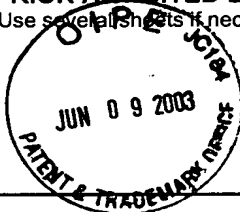
KCC-16,044

SERIAL NO.

10/032,805

LIST OF PRIOR ART CITED BY APPLICANT

(Use several sheets if necessary)



APPLICANT(S)

James Martin KAUN et al.

FILING DATE

28 December 2001

GROUP

3761

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	3,693,622	09/1972	Jones, Sr.			
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

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TECHNOLOGY CENTER 8370

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AL	0 611 607 A1	01/1994	EPO				
	AM	EP 0 748 894 A2	12/1996	EPO				
	AN	WO 98/56326	12/1998	PCT				
	AO							
	AP							

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR		
	AS		
	AT		

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

USCOMM-DC 80-3985

P1005.2/ mds

KCC-2118

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

INVITATION TO PAY ADDITIONAL FEES

(PCT Article 17(3)(a) and Rule 40.1)

To:
PAULEY PETERSEN KINNE & ERICKSON
 Attn. Petersen, Maxwell, J.
 2800 West Higgins Road, Suite 365
 Hoffman Estates
 Illinois 60195
 UNITED STATES OF AMERICA

Date of mailing
 (day/month/year) **09/04/2003**

Applicant's or agent's file reference

16044

PAYMENT DUE

within **45** ~~xxxx~~ days
 from the above date of mailing

International application No.

PCT/US 02/37797

International filing date
 (day/month/year)

26/11/2002

Applicant

KIMBERLY-CLARK WORLDWIDE, INC.

1. This International Searching Authority

(i) considers that there are 2 (number of) inventions claimed in the international application covered by the claims indicated ~~below~~ on the extra sheet:

and it considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated ~~below~~ on the extra sheet:

DOCKETED

DATE 4-14-03 24 May 2003

ATTORNEY NOT

SECRETARY just

Inv. Pay Fees

(ii) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:
1-72

(iii) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid

2. The applicant is hereby **invited**, within the time limit indicated above, to pay the amount indicated below:

EUR 945,00 x 1 = EUR 945,00
 Fee per additional invention number of additional inventions total amount of additional fees

Or, _____ x _____ = _____

The applicant is informed that, according to Rule 40.2(c), the payment of any additional fee may be made under protest, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.

3. ☐ Claim(s) Nos. _____ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2
 NL-2280 HV Rijswijk
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
 Fax: (+31-70) 340-3016

Authorized officer

Alicja Van der Heijden

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. Claims: 1-40

A containment tissue comprising at least one treated region comprising a hydrophobic agent applied in a predetermined pattern

1.1. Claims: 41-72

An absorbent article comprising a liquid permeable body-side liner, a containment tissue adjacent to body-side liner treated in at least one region with a hydrophobic agent, an absorbent core adjacent to the containment tissue, and a liquid impermeable outer cover adjacent to the absorbent core.

2. Claims: 73-89

An absorbent article comprising a liquid permeable body-side liner, a containment tissue adjacent to the body-side liner and wrapped around the absorbent core and a liquid impermeable outer cover adjacent to the wrapped absorbent core. The containment tissue including at least one treated region comprising a sizing agent.

Please note that all inventions mentioned under item 1, although not necessarily linked by a common inventive concept, could be searched without effort justifying an additional fee.

The single general concept covering all separate inventions is the notion that a tissue treated with a hydrophobic agent solves the technical problem of liquid management in absorbent articles.

This concept is known in the state of the art (EP 0 748 894 , page 3, lines 40-48, page 5, lines 5-11).

As the single general concept is not novel it cannot be the single general inventive concept required to be present by Article 3(4)(iii) and Rule 13.1 PCT. When considering the whole set of claims in the light of the description no further technical features could be identified which could serve as same or corresponding technical features in the sense of Rule 13.2 PCT to restore unity of invention.

The inventions mentioned in the claims 1-72 (subjects 1 and 1.1) have been submitted to a complete search. The subjects 1, 1.1 and 2 are not mutually linked by a general inventive concept and searching subject 2 would require a major search effort.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 206

Continuation of Box 3.

Claims Nos.: 3-5, 7-11, 15-22, 44-46, 48-52, 57-64, 77-79, 81-85

In view of the large number and also the wording of the claims presently on file, which render it difficult, if not impossible, to determine the matter for which protection is sought, the present application fails to comply with the clarity and conciseness requirements of Article 6 PCT (see also Rule 6.1(a) PCT) to such an extent that a meaningful search is impossible.

Furthermore, present claims 3-5, 7-11, 15-22, 44-46, 48-52, 57-64, 77-79 and 81-85 relate to a product defined by reference to the following parameters:

P1: percent rewet at an applied pressure of 1.0 psi

P2: dryness improvement percent at an applied pressure of 1.0 psi

P3: hydrostatic head value

P4: air permeability value

P5: % wet/dry tensile strength

The use of these parameters in the present context is considered to lead to a lack of clarity within the meaning of Article 6 PCT. It is impossible to compare the parameters the applicant has chosen to employ with what is set out in the prior art. The lack of clarity is such as to render a meaningful complete search impossible. Furthermore, in view of the large number of materials that can be used in the structure of the present invention, as detailed on page 13 of the present description, it is impossible to determine what features are essential for arriving at the desired parametric properties.

Consequently, the search has been restricted to those parts of the claims which appear to be clear, supported and disclosed, namely relating to claims 1, 2, 6, 12-14, 23-43, 47, 53-56 and 65-72. Furthermore, special attention has been paid to products made of the materials listed on page 13, lines 3 - 15.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:

1-72

2. This communication is not the international search report which will be established according to Article 18 and Rule 43.

3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.

4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 748 894 A (SUOMINEN OY J W) 18 December 1996 (1996-12-18) page 3, line 32-48 page 4, line 22 -page 5, line 11; figures 1,2	1,10-42, 51-54, 57-72
X	EP 0 611 607 A (AVGOL LTD) 24 August 1994 (1994-08-24) claims; figures	1,10-40
X	US 3 693 622 A (JONES JOHN LESLIE SR) 26 September 1972 (1972-09-26) abstract column 5, line 25 -column 6, line 53; figures	1,10-13, 15-40
X	WO 98 56326 A (TEXON MATERIALES S L ;TEXON UK LTD (GB); CHAPMAN ROGER ALAN (GB);) 17 December 1998 (1998-12-17) claims; figures	1,10-42, 51-54, 57-72

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

° Special categories of cited documents :

A document defining the general state of the art which is not considered to be of particular relevance

E earlier document but published on or after the international filing date

L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

O document referring to an oral disclosure, use, exhibition or other means

P document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance: the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

G document member of the same patent family

Patent Family Annex

Information on patent family members

International Application No.

PCT/US 02/37797

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0748894	A	18-12-1996	FI 952927 A	15-12-1996
			AT 217369 T	15-05-2002
			DE 69621075 D1	13-06-2002
			DE 69621075 T2	29-08-2002
			EP 0748894 A2	18-12-1996
EP 0611607	A	24-08-1994	EP 0611607 A1	24-08-1994
US 3693622	A	26-09-1972	NONE	
WO 9856326	A	17-12-1998	AU 8028598 A	30-12-1998
			EP 1009349 A1	21-06-2000
			WO 9856326 A1	17-12-1998
			JP 2002506493 T	26-02-2002